

Waste Compliance and Mitigation Program Staff Report
New Major Waste Tire Storage Facility Permit for Waste Recovery West, Inc.
Facility No. 39-TI-1538, TPID No. 1608939
August 9, 2010

Background Information, Analysis, and Findings:

This report was developed in response to an application received from the operator of Waste Recovery West, Inc., located at 4554 S. El Dorado Street in Stockton (San Joaquin County) for a new Major Waste Tire Storage Facility Permit. The facility will accept waste tires from commercial haulers and the public and process them into crumb rubber. Waste Recovery West, Inc. currently operates at the Vasco Road Landfill in Livermore, CA and is moving the operation for the following reasons: 1) Operating at the landfill limits their operation to the hours of operation of the landfill (Monday through Saturday, closed on Sunday); a lack of sufficient power availability (electricity) to expand their production capabilities; and Stockton is more central to their transportation collection systems.

Waste Recovery West, at Vasco Road, operates under the landfill's Solid Waste Facilities Permit. At such time as the San Joaquin site is permitted and operational, Waste Recovery West will end their operations at Vasco Road. On a periodic basis, Waste Recovery West will collect tires removed from the waste stream at Vasco Road; there will be no processing of waste tires at Vasco Road.

Staff of the Waste Compliance and Mitigation Program, Permitting and Local Enforcement Agency Support Division received the application for a Major Waste Tire Facility Permit on February 11, 2010. On April 15, 2010, staff accepted the application as complete and correct. Pursuant to 14 CCR-Section 18425, the Department has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a WTFP. The Department is required to act by October 12, 2010.

The following table summarizes the staff's findings relative to the permit application:

	Findings	
California Environmental Quality Act (CEQA)	A Negative Declaration was circulated locally by the San Joaquin County Community Development Department for a Use Permit No. PA0900199 for the processing and storage of waste tires by Waste Recovery West, Inc. A second Negative Declaration (SCH # 2010032103) was circulated and adopted by the San Joaquin County Community Development Department to allow for the outdoor storage of tires.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Compliance Evaluation and Enforcement Division conducted an inspection of the facility on April 22, 2010. No violations of State Minimum Standards or inconsistencies with the permit application were noted during the inspection. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) (b) (c) (d)	All application forms were accepted by Waste Compliance and Mitigation Program staff as complete on April 15, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<i>Local Vector Control:</i> Mr. John R. Stroh, Manager with the San Joaquin County Mosquito & Vector Control District approved vector control practices on September 18, 2009. <i>Local Fire Authority:</i> On December 9, 2009, the French Camp-McKinley Fire District (FCMFD) informed the CIWMB (now CalRecycle) that all required Fire approvals had been issued to Waste Recovery West, located at 4554 S. El Dorado Street in Stockton.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Closure Costs and Financial Liability 14 CCR, Sections 18474 and 18491	Staff from the Financial Assurances Section of the Cleanup, Closure and Financial Assurances Division on March 15, 2010, found that the closure costs and the Certificate of Liability Insurance meet the state requirements.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	July 29, 2010	
Compliance Evaluation and Enforcement Division	May 13, 2010	

Compliance History:

A pre-permit inspection for a proposed Major Waste Tire Facility was conducted April 22, 2010 by staff of the Compliance Enforcement and Evaluation Division and Permitting and Local Enforcement Agency Support Division. No violations were noted on the inspection report. At the time of the inspection, the site was unoccupied by the applicant.

The compliance history at the Vasco Road Landfill location indicates that there were no violations from October 18, 2004 to March 16, 2010.

Environmental Analysis:

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program or by determining that the proposal is categorically or statutorily exempt.

The San Joaquin County Community Development Department, acting as Lead Agency, prepared the following environmental document for Waste Recovery West.

- A Negative Declaration was circulated locally by the San Joaquin County Community Development Department for a Use Permit No. PA0900199. The proposed project is for Waste Recovery West to operate a facility to process whole scrap tires into tire derived aggregate and operate an indoor collection yard. No new structures are proposed for the site. The Negative Declaration was posted locally on September 30, 2009. The San Joaquin Planning Commission approved the proposed project on December 17, 2009 and filed a Notice of Determination with the County Clerk on December 22, 2009.
- A Negative Declaration, State Clearinghouse No. 2010032103, was circulated for a 30-day review period from March 30, 2010 through May 3, 2010. The Negative Declaration was adopted by the San Joaquin County Planning Commission on June 3, 2010. The Negative Declaration analyzed for the revision of two conditions for a previously approved Use Permit to remanufacture scrap tires to aggregate base materials. Condition 1.b. restricting outdoor storage of tires or TDA (tire derived aggregate) was deleted and condition 2.k. was changed to allow outdoor storage of TDA in the dry season as defined by the State Water Resource Control Board. The property is zoned I-L (Limited Industrial) and the General Plan designation is I/L (Limited Industrial).

Department staff recommends the Negative Declarations cited above as adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Director's expertise and/or powers, or which are required to be carried out or approved by the Director.

Local Issues:

Staff has not identified any local issues related to this item. A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 38.03). Census information from the vicinity of the facility indicates that in the surrounding population, 45.3% of the people are white, 11.7% are black, Native Hawaiian and other Pacific Islander 0.4%, two or more races 6.1%, 1.0% are American Indian, 6.0% are Asian and 29.5% some other race. 43.1% of the population are identified as Hispanic or Latino. 26.7% of families' incomes are below the poverty level. Therefore, staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended in this item.

Public Comments:

No public comments have been received by Department staff.

Attachment: Major Waste Tire Facility Permit

